

MINUTES

**MONTANA SENATE
59th LEGISLATURE - REGULAR SESSION**

COMMITTEE ON EDUCATION AND CULTURAL RESOURCES

Call to Order: By **CHAIRMAN DON RYAN**, on February 11, 2005 at
3:25 P.M., in Room 137 Capitol.

ROLL CALL

Members Present:

Sen. Don Ryan, Chairman (D)
Sen. Gregory D. Barkus (R)
Sen. Jerry W. Black (R)
Sen. Kim Gillan (D)
Sen. Bob Hawks (D)
Sen. Sam Kitzenberg (R)
Sen. Jesse Laslovich (D)
Sen. Jeff Mangan (D)
Sen. Dan McGee (R)
Sen. Bob Story Jr. (R)

Members Excused: Sen. Jim Elliott (D)

Members Absent: None.

Staff Present: Connie Erickson, Legislative Branch
Lois O'Connor, Committee Secretary

Please Note. These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing & Date Posted: SJ 12, 2/11/2005; SB 313, 2/11/2005
Executive Action: None.

{Tape: 1; Side: A; Time Counter: 0.7 - 0.8}

HEARING ON SJ 12

Opening Statement by Sponsor:

SEN. SAM KITZENBERG (R), SD 18, said that the teaching of civics in Montana's school system has declined because of other curriculum concerns. Research findings reveal that the lack of knowledge of politics and government, apathy, alienation from government, and low-levels of political participation among the nation's youth make the case to build a state campaign to restore the civic mission of the schools. SJ 12, if passed, will bring awareness to public schools of the need to promote that civic mission.

{Tape: 1; Side: A; Time Counter: 4.2}

Proponents' Testimony:

Steve Meloy, Executive Director, Board of Public Education and Eric Feaver, MEA-MFT, spoke in support of SJ 12.

Lance Melton, MT School Boards Association (MTSBA), said that as the Legislature considers resolutions, there may be reason to consider resolutions more forcefully. SJ 12 indicates a valid approach and interest in civics in the classroom. He requested that the Committee consider whether SJ 12 belonged as part of the definition of a basic system of quality schools. **Mr. Melton** provided a suggested amendment to add teachers to the list of people who are asked to encourage the civic mission of schools.

EXHIBIT(eds34a01)

Brenda Wahler, Citizen, said that she attended the Second Annual Congressional Congress on Civic Education along with **SEN. KITZENBERG** and **REP GARY BRANAE**. SJ 12 would involve both the schools and the community, and it would encourage people to promote civic education among young people where ever they can be found, such as Boys and Girls State or local YMCAs.

Rick Chiotti, OPI, provided written comments in support of SJ 12.

EXHIBIT(eds34a02)

{Tape: 1; Side: A; Time Counter: 10.9}

REP. GARY BRANAE (D), HD 54, said that it was interesting to see what other states were doing in the area of civic education and

the need that exists in promoting civic education throughout the nation. **REP. BRANAE** felt that educators had the responsibility to promote civic education so that when young people are in leadership positions, they too can carry on the principles of this country and how it operates.

Opponents' Testimony: None.

Informational Testimony: None.

{Tape: 1; Side: A; Time Counter: 13.1}

Questions from Committee Members and Responses:

SEN. BOB STORY (R), SD 30, asked if the accreditation standards included a section on civics. **Mr. Meloy** said yes, adding SJ 12's intent is to further develop, encourage, and make better what already exists in the local school districts with regard to curriculum for civics and government.

SEN. DAN MCGEE (R), SD 29, asked why the resolution was necessary when the teaching of civics and government were a part of school curriculum. **SEN. KITZENBERG** said that today's generation is not voting like it should and is not as interested in contacting public officials. There is concern on the national level that the current system of government may not continue if this trend continues. SJ 12 simply asks schools districts to reassess their curriculum.

SEN. KIM GILLAN (D), SD 24, asked where other states stood on the issue of making community service a prerequisite to graduation.

SEN. KITZENBERG said that one of the Project America Citizen surveys shows that if a class were to take a survey of its community and, as a class, put together a way to address this concern, students become better citizens by becoming involved. He felt it a good idea.

SEN. GREG BARKUS (R), SD 4, questioned whether SJ 12 was a partisan resolution. **SEN. KITZENBERG** said no, adding that the conference was made up of leaders from both parties. Its topic was purely civics, and it did not promote one party or the other.

{Tape: 1; Side: A; Time Counter: 24.8}

Closing by Sponsor:

SEN. KITZENBERG said that civics education is something that the state has taken for granted, and it is slowly slipping further

behind. The conference awakened a concern in him, and he urged Committee support for SJ 12.

{Tape: 1; Side: A; Time Counter: 25.3}

HEARING ON SB 313

Opening Statement by Sponsor:

SEN. RICK LAIBLE (R), SD 44, provided a brochure of the Montana Distance Learning Initiative Pilot Program and provided a letter from an Online Algebra I instructor noting the pros and cons of the program.

EXHIBIT (eds34a03)

EXHIBIT (eds34a04)

SEN. LAIBLE said that in November 2003, **Governor Judy Martz** appropriated \$250,000 to create a pilot distance learning program, and SB 313 envisions the next logical step in that process. The program began with approximately 250 students, 13 teachers, and the classes ranged from English to Indian Education For All. SB 313 creates the Montana Online School System under the control and supervision of the Board of Public Education. The education community will oppose SB 313 because the MTSBA and MREA are promoting a distance learning consortium which would be under their control. The consortium concept requires an upfront cost of \$4,000 per school district. Places such as Cut Bank will pay the same price as Billings just to sit at the table. Rural schools will contract directly with the larger schools to secure seat space. Larger school districts will receive additional revenue from smaller districts with no increase in cost. He questioned why the education community would choose to oppose SB 313.

SEN. LAIBLE added that SB 313 creates a system that is a followup to the pilot program that has already proven successful, and it provides online services to rural schools at a lower cost than what the consortium concept will do in the end. He said that distance learning is not new to the state, and there is room in the state for both programs. **SEN. LAIBLE** felt that the state had the opportunity to meld the two programs together to give the state options.

{Tape: 1; Side: B; Time Counter: 9.6}

Proponents' Testimony:

John Lundt, Senior Research Professor, University of Montana, operationalized the pilot project a spoke of its pros and cons. He expressed his concern about the diversity of educational opportunity that students face in different parts of the state. It is unfortunate and unfair that students in a small district cannot avail themselves of these types of educational opportunities that students find in larger districts. Montana also has a problem with the recruitment and retention of qualified teachers. Distance learning would change that equation. Teachers in the distance learning program were paid \$8,000 a year to teach a class. If they teach two class, it would be a \$16,000 increase in pay. In conclusion, **Mr. Lundt** said that the pilot program provides an equitable and high quality educational opportunity for every student in the state, and it protects one of the state's greatest natural resources--its talented teachers.

{Tape: 1; Side: B; Time Counter: 23.9}

Opponents' Testimony:

Lance Melton, MTSBA, said that MTSBA has a fundamental concern with SB 313. He provided excerpts from the Constitutional Convention relating to the preservation of local control, specifically the distinction between the role of the Board of Public Education in providing general supervision to school and local school boards in providing supervision and control.

EXHIBIT (eds34a05)

Mr. Melton said that SB 313 provides to the Board of Public Education what the constitutional framers chose to remove--control. It places the Board as a school board contrary to the constitutional intent and to the plain language of the Constitution itself. The MTSBA believes that SB 313 would be unconstitutional if passed as written.

Mr. Melton added that the pilot program should be rolled forward and provided to the public for consideration and learning opportunities to best put together a program that will meet everyone's needs in the state. He requested that SB 313 be tabled.

SEN. STORY said that the Committee has spent much of its time hearing about a bill that is not before it. He requested that proponents and opponents discuss the contents of SB 313.

{Tape: 2; Side: A; Time Counter: 0.2}

Dave Puyer, MREA, said that MREA's biggest concern is with the local control issue contained within SB 313. There are other approaches that would better serve local control and other ways that self-governance and self-fundedness could be included and successful. SB 313 focuses on an agency that would be providing the services which would cause great difficulty for many of the smaller schools. He urged the Committee to review the language of SB 313 related to the construction and design of the classes. **Mr. Puyer** added that MREA would oppose the funding aspect of SB 313 because it could be done by rural and large schools working in concert. In conclusion, he said that Indian Education For All could also be done in different ways.

{Tape: 2; Side: A; Time Counter: 6.5}

Bruce Messinger, Superintendent of Schools, Helena, said that SB 313 is unnecessary. Over 40 school district have demonstrated ways to accomplish distance learning under their present situations and local control.

Larry Nielson, Helena Education Association (HEA), said that he served on the "Shared Leadership for a Stronger Montana Economy" distance learning steering committee which was charged by **Commissioner Sheila Stearns** to create a system by which the various university units could come together under one umbrella to deliver distance learning. It was also charged with exploring the possibility of a seamless K through 20 distance learning program. Testimony was heard from many experts across the Nation who stated that Montana was too small for duplications of services and programming in a distance learning system.

Steve Meloy, Board of Public Education, opposed SB 313 because the Board has a good distance learning rule. It is an accreditation standard, and it is included in the Board's general chapters.

{Tape: 2; Side: A; Time Counter: 12.7}

Rick Chiotti, OPI and Eric Feaver, MEA-MFT, spoke in opposition to SB 313.

Informational Testimony: None.

Questions from Committee Members and Responses:

Referring to the K-12 distance education budget, **SEN. MANGAN** asked for an explanation of the \$131,000 salary for the project

director. **Dr. Lundt** said that the salary is for a single project director.

SEN. STORY asked if SB 313 required schools to be a part of the program and who would receive the ANB for students enrolled. **Mr. Melton** said that there is no requirement that schools be a part of the program. However, schools would be required to enroll pupils and, as such, would be operating in violation of the Constitution. Currently, there is an ambiguity in the law as to whether a pupil who is offsite can be included. SB 313 addresses the calculation of ANB similar to how SB 10 and SB 224 address the calculation. **SEN. STORY** asked if a student enrolled in a district goes online to take a course through the pilot program, could it double the ANB. **Mr. Melton** said that could be the case because SB 313 creates the system as a school, and children in that school would qualify for ANB.

{Tape: 2; Side: A; Time Counter: 19.7}

SEN. STORY asked about the collective bargaining portion of SB 313. **Mr. Melton** said that the collective bargaining provision was unprecedented and significantly troublesome because the obligation to bargain is just that. To put in law that a certain provision has to be considered when bargaining is contrary to the whole concept of collective bargaining in good faith.

SEN. GILLAN felt that the language appeared to say that teachers in the online system would not be within the regular school systems. **Mr. Melton** said that it would be interesting to know if there is conflict with existing law of independent contractors who are suppose to determine their own limitations.

SEN. STORY asked if MEA-MFT was in favor of the language that the grievance procedure had to be a mandatory part of a collective bargaining agreement. **Mr. Feaver** said that the language is objectionable to MEA-MFT because it violates the rights of an employee in a school district to work within that parameter. The language would be amended by statute to exclude any online participation by a teacher except as an independent contractor.

{Tape: 2; Side: A; Time Counter: 29.7}

Closing by Sponsor:

SEN. LAIBLE said that larger schools do not have the same distance learning needs as smaller, rural schools. Since the number of students enrolled in the system for the first two years has been limited, a preference has been set. **SEN. LAIBLE** said that it would be a shame to take the online pilot program, which

has already proven successful, and stop it now because it could be a life line to smaller communities.

ADJOURNMENT

Adjournment: 5:00 P.M.

SEN. DON RYAN, Chairman

LOIS O'CONNOR, Secretary

DR/lo

Additional Exhibits:

EXHIBIT ([eds34aad0.PDF](#))